

**WILLMAR PLANNING COMMISSION
CITY OF WILLMAR, MN
WEDNESDAY, JUNE 26, 2013**

MINUTES

1. The Willmar Planning Commission met on Wednesday, June 26, 2013, at 7:00 p.m. at the Willmar Fire Hall-Training Room.

**** Members Present:** Mark Klema, Gary Geiger, Scott Thaden, Bob Poe, and Margaret Fleck.

**** Members Absent:** Charles Oakes, Andrew Engan, Nick Davis, and Randy Czarnetzki

**** Others Present:** Brian DePrez, Zach Mahboub, Abdi, Bruce D. Peterson-Director of Planning and Development Services, and Megan DeSchepper- Planner.

2. MINUTES: The minutes of the June 12, 2013 meeting were approved as presented.
3. CASEY'S GENERAL STORE CONDITIONAL USE PERMIT- FILE NO. 13-01: The public hearing opened at 7: 01 p.m. Brian DePrez representing Casey's General Stores, presented a conditional use permit request to operate a convenience store with gas sales on property legally described as the W 200' of E 487' of N. 398.16' of NE ¼ of NW ¼ (2300 Hwy. 12 E.). Mr. DePrez explained that they are proposing a brick/eifs building that will fit into the commercial area architecturally. There will be two accesses to the site, one via 23rd St. SE and one on Oxford Dr. SE. Mr. DePrez anticipates that delivery trucks will solely use the 23rd St. SE access. There will be fuel sales, convenience items, pizza etc. similar to the other Casey's General Store on 19th Ave. SW.

No one appeared to speak for or against the request and the public hearing closed at 7:08 p.m.

Staff comments were reviewed and discussed (see Attachment A and B).

The Commission talked about screening along the rear of the property with plantings or a fence to act as a buffer to adjacent residential properties. They discussed the parking setback not being met on the east and west sides of the property, but commented that the setback could be met without losing parking or safe traffic flow on site. As the site is being redeveloped some of the existing utility service lines will have to be relocated or abandoned at the cost of the developer.

Mr. Thaden made a motion, seconded by Mr. Geiger, to approve the conditional use permit with the following conditions:

- A. Transformer and wires shall be as per MUC comments.
- B. Water line valves and abandonment shall be as per MUC comments.

- C. Fire hydrant removal and new location shall be as per the Fire Chief/Marshal's comments.
- D. All 13 comments from the Interim City Engineer shall be met prior to issuance of a building permit.
- E. The parking setback shall be met on the east (10' from property line) and west (15' from r-o-w) side of the property.
- F. Fencing or plantings shall be added along the rear of the property to act as a buffer/screening to the adjacent residential area.
- G. Plantings/landscaping shall be added to the front (north) portion of the property.
- H. The use shall meet all applicable local, state, and federal laws and regulations at all times.

The Planning Commission reviewed and made affirmative findings of fact in Zoning Ordinance Section 9.E.3.a.1-7.

The motion carried.

4. DARYEEL CHILD CARE CENTER CONDITIONAL USE PERMIT-FILE NO. 13-02:
 The public hearing opened at 7:26 p.m. Zach Mahboub presented the request for a conditional use permit to operate a daycare on property legally described as: All of Block 135, Second Addition to Willmar (1112 Lake Ave. NW). The three western rooms (old classrooms/daycare rooms from the previous uses) will be used for the daycare. They currently have interest for about 8 children, but hope to get up to 15 or 20 children. The state license for the size of the facility would be up to 59 children. The portion of the building is sprinkled and code compliant for the proposed use. At the start up they will have one to two staff persons depending on the number of children.

No one appeared to speak for or against the request and the public hearing closed at 7:31 p.m.

The Planning Commission reviewed and discussed staff comments (see Attachment A).

The Commission discussed the hours of operation and that often time's parents run late etc. and suggested extending the hours to 7 p.m. The Planning Commission also talked about not restricting the daycare any further than the state license does. The Commission inquired about pick up and drop off traffic. Mr. Mahboub stated it will be at varied times so should not be a volume issue.

Mr. Thaden made a motion, seconded by Geiger, to approve the conditional use permit for a daycare with the following conditions:

- A. The hours of operation shall be Monday through Friday 6 a.m. to 7 p.m.
- B. The maximum number of children allowed at the daycare shall be as per the State license.
- C. The use shall meet all applicable local, state, and federal laws and regulations at all times.

The Planning Commission reviewed and made affirmative findings of fact in Zoning Ordinance Section 9.E.3.a.1-7.

The motion carried.

5. There being no further business to come before the Commission, the meeting adjourned at 7:42 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Megan M. DeSchepper".

Megan M. DeSchepper, AICP
Planner/Airport Manager

PLANNING COMMISSION-JUNE 26, 2013

STAFF COMMENTS

1. CASEY'S GENERAL STORE CONDITIONAL USE PERMIT-FILE NO. 13-01:

- The applicant is Casey's Retail Company, Ankeny, IA.
- The applicant has a purchase agreement on the property to operate a convenience store with gas sales on property legally described as the W 200' of E 487' of N. 398.16' of NE ¼ of NW ¼ (2300 Hwy. 12 E.).
- The property is zoned GB (General Business) and the use is permitted with a conditional use permit.
- The property is accessed via 23rd St. SE and Oxford Dr. SE. The proposed Oxford Dr. SE access is new, and the existing northerly access will be shifted further south and the southerly most access will be removed.
- The building setbacks exceed minimum distances. However, the parking setback on the east side of the property is at 5' whereas the Zoning Ordinance requires a 10' separation of green space in regards to parking areas. And the setback of the parking area on the west side is at 9' whereas it's supposed to be 15' off of r-o-w.
- Sign approval and permitting is done ancillary from Planning Commission review.
- The building façade will fit in with other architecture of commercial buildings in the area.
- Provided parking exceeds Ordinance requirements.
- A landscaping plan with only grass and some trees around rear and side depicted was submitted.
- Screening or fencing of a minimum of 75% opacity shall be added to the plan along the rear of the property to buffer the residential properties to the south.

MUC Electrical Comments: Jeff Kimpling of MUC depicted on the site plan where transformer and underground wires would be placed, and portion of existing wire to be abandoned (drawings will be supplied to applicant).

MUC Water Comments: Bart Murphy of MUC depicted on the site plan where the existing line in by Hwy. 12 to plug existing tee and remove unused line. Also install curb valve on private property per drawing (drawings will be supplied to applicant).

Fire Chief/Marshal Comments: Comments depicted of hydrant removal to new location, new site depicted on drawing (drawings will be supplied to applicant).

Interim City Engineer Comments: See Attachment B, comments 1-13.

RECOMMENDATION: Approve the conditional use permit with the following conditions:

- A. Transformer and wires shall be as per MUC Comments.
- B. Water line valves and abandonment shall be as per MUC Comments.
- C. Fire hydrant removal and new location shall be as per the Fire Chief/Marshal's Comments.

- D. All 13 comments from the Interim City Engineer shall be met prior to issuance of a building permit.
- E. The parking setback shall be met on the east and west side of the property.
- F. Fencing or screening shall be added along the rear of the property to act as a buffer to the adjacent residential area.
- G. Plantings/landscaping shall be added to the front/north side of the property.
- H. The use shall meet all applicable local, state, and federal laws and regulations at all times.

2. DARYEEL CHILD CARE CENTER CONDITIONAL USE PERMIT- FILE NO. 13-02:

- The applicant is Daryeel Child Care Center, Willmar, MN.
- The applicant is requesting a conditional use permit to operate a daycare on property owned by the Islamic Society of Willmar on property legally described as: All of Block 135, Second Addition to Willmar (112 Lake Ave. NW).
- The three rooms (old classrooms) on the northwest side of the property will be used for daycare purposes.
- The applicant may have up to 25 children (PC limit #?)
- Onsite parking is adequate as the majority of traffic will be temporary in nature to drop off or pick up children.
- They plan on having one to two staff people starting up.
- No additional playground or fences are planned.
- Hours of operation would be Monday through Friday 6 a.m. to 6 p.m.
- Sprinkled portion of the building and alarmed, no building code issues.

RECOMMENDATION: Approve the conditional use permit for a daycare with the following conditions:

- A. The use shall meet all applicable local, state, and federal laws and regulations at all times.
- B. The conditional use permit is for a 25 child day care, if the daycare expands an amendment to the conditional use permit shall be required.



BOLTON & MENK, INC.

Consulting Engineers & Surveyors

2040 Highway 12 East • Willmar, MN 56201-5818

Phone (320) 231-3956 • Fax (320) 231-9710

www.bolton-menk.com

June 17, 2013

Megan DeSchepper, Planner/Airport Manager
City of Willmar
333 6th Street Southwest
P.O. Box 755
Willmar, MN 56201

RE: Casey's General Store - 23rd Street SE & US Hwy 12
City of Willmar
Project No.: W18.105587

Dear Megan:

I have reviewed the site plan submitted for the above referenced project dated April 3, 2013 with the latest revision dated May 29, 2013 and have the following comments:

1. The applicant shall submit a stormwater management plan complete with pre- and post-development drainage areas and calculations for review and approval.
2. The application shall submit a Stormwater Pollution Prevention Plan for the review and approval of the City Engineering Department.
3. The applicant shall be responsible for obtaining an NPDES Phase II Construction Stormwater Permit. A copy of the permit shall be submitted to the City for our files.
4. The applicant shall submit utility plans for the review and approval of the Willmar Municipal Utilities and the Engineering Department.
5. The sanitary sewer service for the site is shown connecting to a private sanitary sewer manhole. The applicant shall obtain permission for the connection from the private owner. Correspondence between applicant and the sanitary sewer systems owner regarding the acceptability of the connection shall be submitted to the City of Willmar for our files.
6. Additional information regarding the abandonment of the existing sanitary sewer service located north of the proposed canopy shall be provided in the utility plans. If the existing sanitary sewer service will not be utilized, it shall be bulkheaded within the manhole.
7. Clean outs shall be installed on the proposed sanitary sewer service at all bends. Clean out spacing shall not exceed 75-feet.
8. Tracer wire, #12 AWG, green coated, shall be installed on the proposed sanitary sewer service and shall be brought to the surface at all cleanout locations.

H:\WILL\W18105587\1_Corres\DeSchepper.ltr.061713.doc



Casey's General Store 23rd Street SE & US Hwy 12

June 17, 2013

Page 2

9. The proposed site plan shall be submitted to Mn/DOT to review since the site is adjacent to Mn/DOT right of way.
10. The application shall be responsible for the cost of all repairs required to 23rd Street SE as a result of construction.
11. Willmar Municipal Utilities shall be provided with the opportunity to review the construction plans prior to a building permit being issued for the site to ensure that all proposed gate valves, water services, and fire hydrants comply with their requirements.
12. The site accesses shall be a maximum of 32-feet in width.
13. All construction shall be in accordance with the City of Willmar standards.

I recommend that as part of the Conditional Use Permit Application and prior to a building permit being issued, that the above requested information be submitted for review and approval of the City of Willmar.

If you have any questions on the above please call.

Sincerely,

BOLTON & MENK, INC.

Jared Voge, P.E.
Interim City Engineer

JAV/kg